

JOHN E. BRAGONJE (SBN 9519)
e-mail: jbragonje@lrrc.com
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996
Tel: 702.949.8200
Fax: 702.949.8398

Attorneys for Plaintiff Gabriel M. Bristol

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GABRIEL M. BRISTOL, an individual,

Plaintiff,

vs.

ELIZABETH HUGHES, individually and as
trustee of the Scorpio Trust Dated January 28,
2015,

Defendants.

Case: 2:16-cv-00705-JCM-CWH

**MOTION TO WITHDRAW AS
COUNSEL OF RECORD FOR
PLAINTIFF GABRIEL M. BRISTOL**

John E. Bragonje and the law firm of Lewis Roca Rothgerber Christie LLP, counsel for Gabriel M. Bristol, submit their Motion to Withdraw as Counsel of Record.

The instant Motion is supported by the following Memorandum of Points & Authorities, the attached Declaration of John E. Bragonje and any oral argument that the Court may choose to consider. The instant Motion is brought in good faith and not to hinder or delay the judicial process.

MEMORANDUM OF POINTS & AUTHORITIES

Lewis Roca Rothgerber Christie LLP is unable to continue rendering legal services without payment. (Aff. J. Bragonje, Ex. 1 hereto at ¶¶ 3-5.) Plaintiff has not paid several outstanding invoices despite repeated requests to do so and despite repeated promises to do so. (*Id.*) Nevada Rule of Professional Conduct 1.16(b)(1) provides that a lawyer may withdraw if “[w]ithdrawal can be accomplished without material adverse effect of the interests of the client.” Likewise, a lawyer

1 may withdraw if "[t]he representation will result in an unreasonable financial burden on the lawyer
2 or has been rendered unreasonably difficult by the client." Nev. R. Prof. Resp. 1.16(b)(6).

3 Mr. Bristol has not paid for legal services as agreed when the representation began. Mr.
4 Bristol's inability to pay for legal services represents an inability by him to substantially fulfill an
5 obligation regarding the services provided. Mr. Bristol has been given reasonable warning that
6 Lewis Roca Rothgerber Christie LLP would withdraw if Mr. Bristol could not correct the payment
7 situation. Furthermore, continuing the representation will result in an unreasonable financial
8 burden.

9 The last known address for Mr. Bristol is:

10 Gabriel M. Bristol
11 9541 Welk View Ct
12 Escondido, CA 92026-5001

13 Gabriel M. Bristol
14 2350 Zanker Road #10
15 San Jose, CA 92123

16 Telephone: (562) 735-7188

17 Email: gabebristol@aol.com

18 Based on the forgoing reasons, Lewis Roca Rothgerber Christie LLP respectfully requests
19 that the Court grant its Motion to Withdraw as Counsel of Record.

20 DATED this 26th day of June, 2017.

21 LEWIS ROCA ROTHGERBER CHRISTIE LLP

22 By: /s/ John E. Bragonje

23 John E. Bragonje
24 3993 Howard Hughes Pkwy., Ste. 600
25 Las Vegas, NV 89169-5996
26 Tel: 702.949.8200
27 Fax: 702.949.8398
28

**AFFIDAVIT OF JOHN E. BRAGONJE, ESQ. IN
SUPPORT OF MOTION TO WITHDRAW AS COUNSEL OF RECORD**

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

JOHN E. BRAGONJE, ESQ., being first duly sworn, deposes and says:

1. I am over the age of 18 and am competent and willing to testify regarding the matters asserted herein, which are based on my own personal knowledge, unless stated upon information and belief, as to which statements I am informed and believe to be true.

2. I am an attorney licensed to practice law in all courts within the State of Nevada, and I practice with Lewis Roca Rothgerber Christie LLP. I have been counsel to Gabriel M. Bristol in the instant lawsuit. I make this affidavit in support of the instant motion to withdraw.

3. Mr. Bristol engaged the services of Lewis Roca Rothgerber Christie LLP as counsel in the above-captioned matter in approximately March, 2016. Since that time, Lewis Roca Rothgerber Christie LLP and I have provided valuable services to Mr. Bristol and have faithfully discharged our duties as counsel.

4. Mr. Bristol has not paid for legal services as he agreed when the representation began. I have given Mr. Bristol reasonable warning on several occasions over a period of months that Lewis Roca Rothgerber Christie LLP would be forced to stand down and/or withdraw if Mr. Bristol could not pay for the legal services rendered.

5. Lewis Roca Rothgerber Christie LLP and I are no longer able to continue our representation because (a) Mr. Bristol has been unable to substantially fulfill an obligation regarding the services provided and have been given reasonable warning that withdraw would follow said failure and (b) the continued representation will result in an unreasonable financial burden.

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6. Affiant respectfully requests that the Court allow all counsel of record from Lewis Roca Rothgerber Christie LLP to withdraw as attorneys of record for the reasons stated herein.

7. Further your affiant saith naught.


JOHN E. BRAGONJE, ESQ.

SUBSCRIBED and SWORN to before
me this 26th day of June, 2017.


NOTARY PUBLIC in and for said
County and State



3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2017, I electronically transmitted the foregoing document entitled **MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR PLAINTIFF GABRIEL M. BRISTOL** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant:

Charles C. Rainey
HAMRICK & EVANS, LLP
7670 W. Lake Mead Blvd., Ste. 140
Las Vegas, Nevada 89128

Attorneys for Defendant

Gabriel M. Bristol
9541 Welk View Ct
Escondido, CA 92026-5001

Gabriel M. Bristol
2350 Zanker Road #10
San Jose, CA 92123

DATED this 26th day of June, 2017.

/s/ Luz Horvath

An Employee of Lewis Roca Rothgerber LLP

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE